

REGULAR MEETING OF THE BOARD OF APPEALS
CITY OF HUDSON
Thursday, March 5, 2020

The Board of Appeals meeting was called to order by staff member Boles at 5:10 p.m.

BOARD MEMEBERS PRESENT. Breanne Berning, Nick Hallbeck, Carah Koch, and Mary Claire Potter.

BOARD MEMBERS ABSENT. Jon Huhn.

STAFF MEMBERS IN ATTENDANCE: Emily Boles and Tiffany Weiss.

OTHERS PRESENT. Joey Crary, Janell Klatt and Jesse Bester.

Discussion and possible action on the appointment of a Board of Appeals Chairman. Motion by Potter, seconded by Koch to appoint Nick Hallbeck as the Board of Appeals Chairman. All ayes (4-0). Motion carried.

Discussion and possible action on November 13, 2019 meeting minutes. Motion by Potter, seconded by Berning to approve the minutes of the November 13, 2019 Board of Appeals meeting. All ayes (4-0). Motion carried.

Public hearing on a variance application by Holiday Station Stores to exceed the size area allowance for an electronic message display sign in the B-3, Central Business District, by 0.28 sq. ft. (City Code 202-6(C)(7)(b)) at 210 Second Street, Appeal No. 245. Chairman Hallbeck read the public hearing notice and opened the public hearing stating that persons desiring to speak shall go to the podium to direct their comments to the Board.

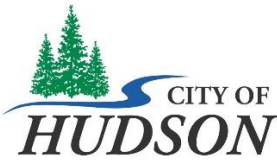
Chairman Hallbeck requested the applicant present their requested variance. Joey Crary, Indigo Signworks, stated that Holiday is proposing an electronic message sign larger than the 20 sq. ft. area code allows. He said that electronic signs are manufactured in modules that cannot be cut down. Crary displayed a 12" by 12" module and showed a piece of paper that was 0.28 sq. ft. in comparison. He stated that the smallest size change possible to come into compliance would be going down to 16.5 sq. ft. sign by eliminating an entire row of modules. Crary reviewed how the electronic sign would function.

Potter asked for clarification if the Plan Commission had reviewed the sign. Weiss stated that the Plan Commission had reviewed the sign when the non-electronic portion was updated. Boles clarified that the application stated the variance request was 3" x 3", however 0.28 sq. ft. is equivalent to about 6.3" x 6.3". Koch asked if the sign height was going to be lowered. Crary confirmed that the height would be brought from 21.5 ft to 20 ft to come into compliance. Potter inquired as to why the height was not lowered when the non-electronic sign was updated. Discussion was held regarding the sign height. Crary stated the current electronic message display was turned off because it does not meet Holiday branding.

Weiss reviewed the staff report. Koch asked staff if any comment were received by residents. Boles stated that staff received no comments.

Jesse Bester, 210 Third Street, stated that he lives on the hill behind the Holiday store and mainly had concerns about sign height and brightness. He did not want the sign to get any brighter as the residential houses can see a glare. Bester stated that the variance request was not a big issue and seemed to be a city code issue.

Motion by Potter, seconded by Koch to close the hearing. All ayes (4-0). Motion carried.



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Discussion and possible action on a variance application by Holiday Station Stores to exceed the size area allowance for an electronic message display sign in the B-3, Central Business District, by 0.28 sq. ft. (City Code 202-6(C)(7)(b)) at 210 Second Street, Appeal No. 245. Hallbeck asked for thoughts on the hardship. Hallbeck asked if the applicant could cover the excess portion of the electronic sign. Weiss said the sign would meet overall sign size requirements, but the electronic message may not be displayed properly.

Discussion was held regarding the static sign at the Holiday store located at the corner of Coulee Road and Second Street as well as downtown signage. Hallbeck noted to go down to 16 sq. ft. would be over a 10% reduction from the proposed sign. Koch asked Crary to speak to the hardship of the applicant. Crary stated that the sign cannot be cut down and that Holiday has a specific brand and image. He said that the Holiday up on the hill has a sign that is scaled down and is the same size as the proposed sign for 210 Second Street. Crary indicated that the store cannot be seen by drivers and the only way to see it is the signage. He continued to state that digital signage is the method businesses communicate in the new age.

Potter asked the Holiday representative if she had any thoughts or comments on the hardship. Janell Klatt, Holiday representative, stated that the sign is a key way to drive customers into the store and for traffic to see the store. Crary said that the applicant is proposing a less than 1% increase in area compared to a 10% reduction to get to code compliance.

Hallbeck read the five decision criteria and asked the Board for further discussion inquiring if there was a true hardship. Berning stated that the applicant had discussed another option of a smaller sign (4 modules by 3 modules). Crary stated that the old sign may be left in place because the smaller sign option does not meet Holiday branding.

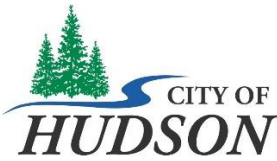
Potter asked if there were any staff recommendations. Boles stated that staff prefers to let the Board review and discuss the request at the meeting but stated that staff noted hardship is hard to prove if a smaller sign option is available.

Crary proposed that the hold time between messages be increased. Discussion was held regarding the types of messages displayed on the sign.

Koch discussed the hardship of meeting standards from the main company. She continued to state that the spirit of the code would be upheld as the sign would come into compliance with dimming and height. Discussion was held regarding the current sign height. Boles noted that the sign height was a separate issue.

Hallbeck noted that the request was in the public interest and seemed reasonable and relatively small. The sign only faces one street. Hallbeck noted that electronic signs may not come out to round, even area size numbers and the sign proposed is fractionally over.

Potter stated that she liked the idea of the sign not flashing. Discussion was held regarding message hold times. The Board preferred a hold time of 10 seconds. Boles stated that a specific hold time could not be added as a condition of approval because code allows for 4 seconds. The Board requested a longer hold time understanding that it would not be a condition of approval.



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Motion by Koch, seconded by Potter to grant a variance to exceed the size area allowance for an electronic message display sign in the B-3, Central Business District, by 0.28 sq. ft. (City Code 202-6(C)(7)(b)) at 210 Second Street.

Decision Criteria:

The applicant has requested a variance pursuant to City of Hudson Municipal Code §202-6(C)(7)(b), District Regulations, to exceed the size area allowance for an electronic message display sign by 0.28 sq. ft. in the B-3, Central Business District.

- I) *Literal enforcement of the code would result in unnecessary hardship to the property owner.*

The Board of Appeals stated that unnecessary hardship to the property owner occurred due to the strict standards from the main company.

- II) *The conditions upon which a petition for a variance is based are unique to the property for which variation is being sought.*

The existing Holiday site presents a unique combination of limitations including one access for customers and a large, tall wall on the east side of the property.

- III) *The petition for a variance is not based exclusively upon a desire to increase the value or income potential of the property.*

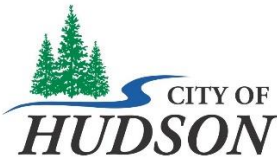
The Board of Appeals stated that the variance request is based on restrictions by the Holiday corporation for sign size and not based exclusively upon value or income potential of the property.

- IV) *The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.*

The requested variance is not believed to be detrimental to adjacent properties or the public welfare. The new sign will be lower in height and will include new technologies for dimming. A public hearing was held, testimony from the public was listened to and considered before deciding on the requested variance.

- V) *The proposed variance will not jeopardize the spirit and general and specific purposes of the Code.*

The requested variance is not believed to undermine the spirit of the Code. The Board of Appeals noted that the Downtown Overlay District goals will be upheld as the sign will come into compliance with dimming and height requirements. The variance request is a small size exceeding the code requirements.



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Approval is granted to permit a variance from City of Hudson §202-6(C)(7)(b), District Regulations, to exceed the size area allowance for an electronic message display sign in the B-3, Central Business District, by 0.28 sq. ft. with the following conditions:

1. Property owner must obtain all applicable Sign Permits.
2. Freestanding sign height shall not exceed 20 feet to meet the requirements of City Code §202-6(C)(2)(b)(3)
3. Freestanding sign total square footage, including electronic message center, shall be a maximum area of 80 sq. ft. or less pursuant to City Code §202-6(C)(2)(c)(3)
4. No LED tube lighting shall be used on the buildings, freestanding sign, canopy or other structures on the property pursuant to §255-17(1-10), *Downtown Design Standards*.
5. Any omissions of any conditions not listed shall not release the property owner/developer from abiding by City Ordinances.
6. All conditions run with the land and are binding upon the property owner and all heirs, successors, and assigns. The sale or transfer of all or any portion of the property does not relieve the original property owner from meeting any conditions.

Ayes (4-0). Motion carried. Motion failed.

COMMUNICATIONS AND ITEMS FOR FUTURE AGENDAS.

None.

ADJOURNMENT.

Motion by Potter, seconded by Koch to adjourn at 5:53 p.m. All ayes (4-0). Motion carried.

Respectfully submitted,
Emily Boles, Acting Secretary